

DOCKET NO. 91-123-C - ORDER NO. 91-187  
FEBRUARY 28, 1991

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Petition to Intervene Out of Time and Motion to Hold Decision in Abeyance filed on behalf of the South Carolina Department of Consumer Affairs (the Consumer Advocate) on February 25, 1991. In this Petition, the Consumer Advocate requests to be allowed to intervene out of time as a formal party of record in the above-captioned docket and also asks the Commission to delay its decision concerning the Calling Number Delivery, Calling Number Delivery Blocking, and level two of Automatic Recall services which are issues involved in the "Caller I.D." case currently pending in the South Carolina Supreme Court.

In support of its Petition to Intervene, the Consumer Advocate alleges that he has the discretionary duty to provide legal representation of the consumer interest before state and federal regulatory agencies when such agencies undertake to fix rate or prices for consumer products or services or to enact regulations or establish policies related thereto. He also alleges that the

Notice of Filing was not sufficient because it did not state that Chesene Telephone Company (the Company) was requesting Calling Number Delivery and related services as part of this tariff filing. Also, the tariff was filed on January 15, 1991 and the return date was February 13, 1991 which did not provide the required thirty day notice. The Consumer Advocate further alleges that since the Commission has not taken action on this filing, or scheduled a hearing, this intervention would not delay the proceeding.

In support of its Motion to Hold Decision in Abeyance, the Consumer Advocate alleges that since the Commission in its Order No. 90-574 stayed implementation of Caller\*ID service for Southern Bell pending the outcome of the lawsuit referenced above, it should make no decision on the Company's request for similar services until the Supreme Court has made a ruling.

The Commission has considered the Petition to Intervene Out of Time filed by the Consumer Advocate and finds that based upon the allegations contained in the Petition, the Consumer Advocate has demonstrated good cause to intervene in this matter. The Commission finds that it is the public interest to allow the Consumer Advocate to intervene out of time and to be a party of record in the instant matter. However, the Commission is compelled to point out to the Consumer Advocate that the Notice of Filing required to be published gives a general description of the tariff, but does not purport to be a complete listing. The Notice does state that the tariff is on file for inspection and was available to the Consumer Advocate. Additionally, the Commission is not aware of any thirty (30) day "requirement" between the filing and

the return date. Notice must be "reasonable" and it is for the Commission's Executive Director to set an appropriate return date.

The Commission also has considered the Motion to Hold Decision in Abeyance and finds that based upon the allegations contained therein, a decision shall be stayed until the Supreme Court makes a ruling.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)